

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOEL SNIDER	:	CIVIL ACTION
	:	
v.	:	NO. 15-951
	:	
PENNSYLVANIA DEPT. OF CORRECTIONS, <i>et al.</i>	:	
	:	

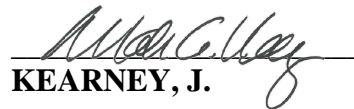
ORDER

AND NOW, this 8th day of December 2020, upon considering the Commonwealth Defendants’¹ Motion to dismiss (ECF Doc No. 379), Plaintiff’s Response (ECF Doc. Nos. 458, and as revised at ECF Doc. Nos. 468, 470, 472), consistent with our obligations under 28 U.S.C. § 1915, and for reasons in the accompanying Memorandum, it is **ORDERED** the Commonwealth Defendants’ Motion (ECF Doc No. 379) is **GRANTED in part** and **DENIED in part**:

1. We **DENY** the Commonwealth Defendants’ Motion to dismiss the following claims requiring the remaining parties file an Answer no later than **December 22, 2020**:

- a. the Commonwealth and Department of Corrections on Mr. Snider’s Title II Americans with Disabilities Act and Rehabilitation Act claims;
- b. Corrections Officers McKeehan and Nichtman alleging excessive force under the Eighth Amendment and a state law claim for intentional infliction of emotional distress;
- c. Corrections Officers McKeehan and Nichtman, and Sergeant Romig on a right to exercise his religion under the First Amendment;
- d. Deputy Superintendent Miller, Deputy Superintendent Lusavage, Superintendent Mooney, Correctional Officers Crawford, Killeen, Byrne, Longendorfer, Sanders, Lieutenant Kuzar, Sergeant Cleaver, Sergeant Rivera, Psychology Services Specialists Shrieve, Valko, Falcione, Burt, and Waine, and Grievance Hearing Officer Kerns-Barr for First Amendment retaliation; and,
- e. Secretary Wetzel, Superintendents Mooney, Harry, Gilmore, Deputy Superintendent Lusavage, Deputy Superintendent Miller, Chief Grievance Coordinator Varner, Grievance Coordinators Shawley, Alvord, and Kelly, and Major Caro for cruel and unusual punishment under the Eighth and Fourteenth Amendment.

2. We **GRANT** the remainder of the Commonwealth Defendants' Motion to dismiss as to all other named parties including, under 28 U.S.C. § 1915, **dismissing** Office of Attorney General, Deb Rand, Jay Gardner, Eric Stracco, Cherie Fallon, Brenda Jeremiah, Susan Cowan, Officer Morton, Major Horner, Officer King, Officer Collins, Officer Adamson, Officer Jones, and Lieutenant Stickle.


KEARNEY, J.

¹ Commonwealth Defendants are identified as: the Commonwealth of Pennsylvania, Pennsylvania Department of Corrections, Pennsylvania Office of Attorney General, SCI-Somerset, SCI-Waymart, Secretary of Corrections John Wetzel, Corrections Officer Adamson, Grievance Coordinator Deborah Alvord, Psychological Services Specialist John Burt, Corrections Officer Byrne, Major Dan Caro, Sergeant Cleaver, Corrections Officer Collins, Unit Manager Susan Cowan, Corrections Officer Crawford, Grievance Coordinator Trish Kelley, Psychological Services Specialist Kelly Falcione, Psychological Services Specialist Cherie Fallon, Law Librarian Jay Gardner, Superintendent Robert Gilmore, Superintendent Laurel Harry, Major Horner, Psychological Services Specialist Brenda Jeremiah, Corrections Officer Jones, Hearing Examiner Hex Kerns-Barr, Corrections Officer Killeen, Corrections Officer King, Lieutenant Kuzar, Corrections Officer Longendorfer, Deputy Superintendent Anthony Luscavage, Corrections Officer McKeehan, Deputy Superintendent Michael Miller, Superintendent Mooney, Corrections Officer Morton, Corrections Officer Nichtman, Attorney Debra Rand, Sergeant Rivera, Sergeant Romig, Corrections Officer Sanders, Grievance Coordinator Tracy Shawley, Psychological Services Specialist Tracy Shrieve, Lieutenant Stickle, Law Librarian Eric Stracco, Psychological Services Specialist E. Valko, Chief Grievance Officer Dorina Varner, and Psychological Services Specialist Frederick Waine.